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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
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10/599,768

10/09/2006

Mitsuji Toda

734156.437USPC

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96896

7590

10/12/2010

Seed Intellectual Property Law Group PLLC  
701 Fifth Avenue, Suite 5400  
Seattle, WA 98104

EXAMINER

LE, KAREN L

ART UNIT

PAPER NUMBER

2614

NOTIFICATION DATE

DELIVERY MODE

10/12/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jeffs.docketing@seedip.com

|                              |                                      |                                    |  |
|------------------------------|--------------------------------------|------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/599,768 | <b>Applicant(s)</b><br>TODA ET AL. |  |
|                              | <b>Examiner</b><br>KAREN L. LE       | <b>Art Unit</b><br>2614            |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/04/10, 6/30/10, 10/09/06</u>                                | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-11 rejected under 35 U.S.C. 102(e) as being anticipated by Yabuta (U.S. 2004/0095463).

Regarding claim 1, Yabuta teaches communication terminal (Fig. 8), comprising:  
a contents reproducing unit that reproduces contents (Fig. 8, item 311) ;  
an incoming call processing unit that processes an incoming call (Fig. 8, item 311);  
a watching condition grasping unit that grasps a watching condition of contents being reproduced (Fig. 8, item 313 and 314) ; and  
a control unit (Fig. 8, item 308) that carries out the reproduction of the contents and the processing of the incoming call in an incoming call processing mode corresponding to the watching condition.

Art Unit: 2614

Regarding claim 2, Yabuta further teaches The communication terminal according to Claim 1, wherein the watching condition grasping unit (Fig. 8, item 309) includes:

- a storage unit (Fig. 8, item 313) which stores a use history of the contents; and
- a grasping unit (Fig. 8, item 314) which grasps the watching condition based on the use history which is acquired by referring to the storage unit.

Regarding claim 3, Yabuta further teaches The communication terminal according to claim 1, wherein the watching condition grasping unit (Fig. 8, item 309) includes:

- a storage unit which stores a watching time of the contents (Fig. 8, item 313);

and

- a grasping unit which grasps the watching condition based on the watching time which is acquired by referring to the storage unit (Fig. 8, item 314).

Regarding claim 4, Yabuta further teaches the communication terminal according to claim 1, wherein the watching condition grasping unit includes (Fig. 8, item 309) a watching condition detecting unit (Fig. 8, item 315) which detects the watching condition.

Regarding claim 5, Yabuta further teaches the communication terminal according to claim 1, wherein the watching condition grasping unit includes:

Art Unit: 2614

a capturing unit which captures an eye of a user watching the contents (Fig. 8, item 314); and

a grasping unit which grasps the watching condition based on a gazing time of the contents obtained from captured images (Fig. 8, item 314).

Regarding claim 6, Yabuta further teaches the communication terminal according to claim 1, wherein the control unit carries out the processing of the incoming call so as to continue the reproduction of the contents and provide an automatic answer to the incoming call (Fig. 7, item 308, Para. 0003).

Regarding claim 7, Yabuta further teaches the communication terminal according to claim 6, wherein the control unit carries out the processing of the incoming call so as to continue the reproduction of the contents and change a mode into an answering machine mode (Para 0003).

Regarding claim 8, Yabuta further teaches the communication terminal according to claim 1, wherein the control unit carries out the processing of the incoming call so as to continue the reproduction of the contents and notify the user of the incoming call during the reproduction of the contents (Par. 0005).

Regarding claim 9, Yabuta further teaches the communication terminal according to claim 1, wherein the control unit carries out the processing of the incoming call so as

Art Unit: 2614

to continue the reproduction of the contents and notify the user of the incoming call after termination of the reproduction of the contents (Fig. 2, item 308 and Para. 0006).

Regarding claim 10, Yabuta further teaches the communication terminal according to claim 1, wherein the control unit carries out the processing of the incoming call so as to suspend the reproduction of the contents and notify the user of the incoming call after suspension of the reproduction of the contents (Fig. 2, item 308, Para. 0006 and 0016).

Regarding claim 11, Yabuta further teaches the communication terminal according to any one of claims 6 through 10, further comprising:

a setting unit that sets a desired incoming call processing mode on the control Unit (Para. 0016).

### ***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAREN L. LE whose telephone number is (571)272-7487. The examiner can normally be reached on Mon and Thurs: 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2614

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Karen L Le/  
Examiner, Art Unit 2614

/Ahmad F MATAR/  
Supervisory Patent Examiner, Art Unit 2614